

REMARKS

In the Final Office Action of January 15, 2009, claims 1, 3, 6 and 7 were rejected under 35 U.S.C. 102(e) as allegedly being anticipated by U.S. Patent No. 6,963,270 (hereinafter “Gallagher, III et al.”). Furthermore, claims 4, 5 and 8-16 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable in view of Gallagher, III et al., U.S. Patent App. Pub. No. 2002/0024423 A1 (hereinafter “Kline”), U.S. Patent No. 5,929,779 (hereinafter “MacLellan et al.”), and/or European Patent App. No. EP 0513507 B2 (hereinafter “Iijima”).

On March 13, 2009, a telephone interview between the undersigned attorney and Examiners Yong Hang Jian and Brian A. Zimmerman was conducted. In the telephone interview, the independent claims 1, 8 and 13 were discussed with respect to the cited reference of Gallagher, III et al. In addition, claim amendments to more clearly distinguish the claimed invention from the cited reference of Gallagher, III et al. were discussed. No agreement was reached.

In response, Applicants have amended the independent claims 1, 8 and 13 to more clearly distinguish the claimed invention from the cited references of Gallagher, III et al., MacLellan et al. and Iijima. The support for these claim amendments can be found at least in the paragraph beginning at line 26 on page 9 of the specification. As amended, Applicants respectfully assert that the independent claims 1, 8 and 13 are neither anticipated by the cited reference of Gallagher, III et al. nor obvious in view of Gallagher, III et al., MacLellan et al. and/or Iijima, as explained below. In view of the claim amendments and the following remarks, Applicants respectfully request the allowance of pending claims 1 and 3-16.

A. Patentability of Amended Independent Claims 1, 8 and 13

As amended, the independent claim 1 recites in part “*the ID communication partner device being always activated to the same mode selected from a Reader Talks*

First (RTF) mode and a Tag Talks First (TTF) mode when the recognition result signal indicates the absence of the mode activation signal, the ID communication partner device being always activated to the other mode of the RTF mode and the TTF mode when the recognition result signal indicates the presence of the mode activation signal,” which is not disclosed in the cited reference of Gallagher, III et al. Thus, the amended independent claim 1 is not anticipated by the cited reference of Gallagher, III et al. As such, Applicants respectfully request that the amended independent claim 1 be allowed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The cited reference of Gallagher, III et al. in column 7, lines 41-48, discloses that special commands are available to explicitly set the Talk First Bit to a “1” to activate the Tag-Talk-First mode or to a “0” to activate the Reader-Talk-First mode. Specifically, a three bit command of 011 is sent, followed by a 10010 in the address field to set the Talk First Bit to “1.” Similarly, the three bit command of 011 is sent, followed by a 10100 in the address field to set the Talk First bit to “0” (i.e., clear the Talk First bit), as described in column 7, lines 49-53, of Gallagher, III et al. Thus, in the RFID system of Gallagher, III et al., if the Talk First Bit of an RF tag is set to a “1” for the Tag-Talk-First mode, a command is required to set the Talk First Bit to a “0” to switch to the Reader-Talk-First mode. If no command is sent, then the RF tag will operate in the Tag-Talk-First mode. However, if the Talk First Bit of an RF tag is set to a “0” for the Reader-Talk-First mode, another command is required to set the Talk First Bit to a “1” to switch to the Tag-Talk-First mode. In this latter case, if no command is sent, then the RF tag will operate in the Reader-Talk-First mode. Thus, the presence or absence of a command will result in either Tag-Talk-First mode or the Reader-Talk-First mode, depending on whether the RF tag is already set to Tag-Talk-First mode or the Reader-Talk-First mode. Consequently, the absence of a command will not always result in the same mode selected from the Talk-First mode and the Reader-Talk-First mode, since the initial setting of the RF tag will determine the mode of the RF tag in response to the command. Conversely, the presence of a

command will not always result in the other mode, since the initial setting of the RF tag will determine the mode of the RF tag.

Therefore, the cited reference of Gallagher, III et al. does not disclose the limitations of *“the ID communication partner device being always activated to the same mode selected from a Reader Talks First (RTF) mode and a Tag Talks First (TTF) mode when the recognition result signal indicates the absence of the mode activation signal, the ID communication partner device being always activated to the other mode of the RTF mode and the TTF mode when the recognition result signal indicates the presence of the mode activation signal,”* as recited in the amended independent claim 1. Thus, the amended independent claim 1 is not anticipated by the cited reference of Gallagher, III et al. As such, Applicants respectfully request that the amended independent claim 1 be allowed.

The amended independent claims 8 and 13 include limitations similar to those of the amended independent claim 1. Thus, Applicants respectfully assert that the amended independent claims 8 and 13 are not obvious in view of the cited references of Gallagher, III et al., MacLellan et al. and/or Iijima since these similar limitations are not disclosed in any of the cited references. As such, Applicants respectfully request that the amended independent claims 8 and 13 be allowed as well.

B. Patentability of Dependent Claims 3-7, 9-12 and 14-16

Each of the dependent claims 3-7, 9-12 and 14-16 depends on one of the amended independent claims 1, 8 and 13. As such, these dependent claims include all the limitations of their respective base claims. Therefore, Applicants submit that these dependent claims are allowable for at least the same reasons as their respective base claims.

Applicants respectfully request reconsideration of the claims in view of the remarks made herein. A notice of allowance is earnestly solicited.

Respectfully submitted,
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